IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 35753 of 1997

Between:

A.P.S.R.T.C., Rep. by its Vice-Chairman & Managing Director,
Mushirabad, Hyderabad.

..... PETITIONER

AND

1 State Transport Appellate Tribunal, Rep.by its Presiding Officer,
A.P., Hyderabad.
2 Regional Transport Authority, Rep.by its Secretary,
Chittoor.
3 R.D.Srinivasan, S/o. Dharmalingam Mudaliar,
Diguvangandla Street, Narayanavanam (Village),
Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, especially in the nature of a Writ of Certiorari, calling for the records relating to the impugned order dated 18/08/1997 made in AP.No.132/96 the 1st respondent herein setting aside the order dated 19/02/1996 made in item No.92 in Rc.No.36601/A1/95 of the 2nd respondent and directing issue of permit to 3rd respondent to ply his bus on the town service route Puttur to Samudayam and quash the same as being hit by the provisions of Section 104, Motor Vehicles Act, 1988.

Counsel for the Petitioner: MR.K.HARINATH

Counsel for the Respondent Nos.1 and 2: None appeared

Counsel for the Respondent No.3: MR.NOUSHAD ALI, Caveator

The Court made the following ORDER:

ORDER:-

Heard both the learned counsel. This writ petition is filed aggrieved by the order of the State Transport Appellate Tribunal, A.P., Hyderabad setting aside the order of the Regional Transport Authority, Kakinada, East Godavari District, directing issue of permit to third respondent on the route Mandapeta Rajaratna Theatre Centre to Gangavaram.

Case of the petitioner is that third respondent made an application to second respondent for grant of a pucca stage carriage permit on the so-called town service route and the second respondent rejected the said application. Against the said order, third respondent preferred appeal before first respondent, which was allowed. Further, the case of the petitioner is that the proposed route overlaps the notified route which is approved in G.O.Ms.No.295 dated 8-4-1976.

Having considered the submissions made on either side and on perusal of the material on record and in view of the principles laid down by a Full Bench of this Court in **A.P.S.R.T.C. v. State Transport Appellate Tribunal and others ,** such plea is not permissible. According, this writ petition is dismissed. No costs.

Stv/- 3—11—2004.

To

1 The Presiding Officer, State Transport Appellate Tribunal,
A.P., Hyderabad.

2 The Secretary, Regional Transport Authority,
Chittoor.

3 Two CD Copies